

Serial No. 10/091,163

PATENT
Docket No. 54317-018700REMARKS

The office action issued by the Examiner and the citations referred to in the Office Action have been carefully considered.

Figure 2 has been amended to show a mesh screen and a loudspeaker in the drawings. No new matter has been added since these features are described in the specification.

The specification has been amended to reflect the labels for the mesh screen and speaker in Figure 2.

Claims 25 and 31 through 37 have been cancelled without prejudice. New dependent claims 38 through 46 are added.

Other claims have been amended to define more precisely define the invention for which protection is sought.

The scope of each claim, which is submitted, is to be determined by the language in each claim. Our comments below are for general guidance only. Each claim has its own elements, which should be considered separately in each respective claim.

The invention is essentially directed to a foldable case or openable display box, which is broadly sized to the size for containing a video cassette. This box is configured to receive a toy, which in some cases is a pressable toy such as to create an audible sound when pressed. The cut out in the planar surface of one of the casing sections is all the profile to conform to the shape of the toy. In some other cases there is a cut out in the planar surface of the second case. In yet further cases there is a mesh applied to the cut out. In yet further examples there is a loudspeaker attached to one case.

As defined in claim 1 there is essentially a rectangular foldable case. One case section has a width of approximately .5 inches. The other case section has a width of approximately 1 inch. Accordingly, the two case sections have different widths. This is to be in conformity with any video case to hold a video cassette.

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In dependent claim 13, the window is indicated to be cut out to match a profile of the toy object.

In independent claim 14, the video box is defined with a cut out in the planar face of the panel and the toy is indicated to be of a pressable material.

In dependent claim 22, it is defined that the cut out portion generally conforms to the profile of the toy.

In independent claim 27, the first and second panels are described. The first panel has a width of approximately .5 inches, whereas the second panel is of a larger width of approximately 1 inch. The wall dimensions are also defined. Accordingly, in claim 27 there are two panels unequal in size, namely the first and second panels.

In the new claims 37 through 46 different features are defined. These include the characteristic of a mesh over the cut out portion, a sound generator such that on depression of the toy sound is generated, and a loudspeaker for generating sound related to the toy in the box.

The amended and new claims have been submitted in view of the prior art cited by the Examiner. Clearly, that art is not relevant in relation to the claims now submitted.

In particular, the applicant refers to Blanco. There are two casings of essentially equal size. Contrarily it is pointed out that in some of the claims now submitted, the casings are of different depth. More clearly, the container is for receiving compact discs which are not video cassettes. The construct of Blanco is a square container rather than an unequal sided rectangle as set out in some of the claims now submitted. Once again, the present invention is directed to converting or having a video box size case for containing rectangular video cassettes to be adapted to receive toys or appropriate objects.

Clearly, Blanco does not have windows into both the front and back panels.

Weavers refers to a cassette box with a window in the spine of the box and not in the panels forming the first and second case. The transparent external pouch does not mean that it

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covers the window in the panel. It covers the window in the spine 18 in Weavers. This is totally different to what is claimed in the present invention.

Becker takes the issues no further. The fact that a booklet can be a toy does not conform to the nature of the toy as claimed in some of the various claims as now submitted.

Leverence also takes the issued no further. Just because there is a ventilating mesh screen applied to a vehicle window frame, this does not remotely indicate that this would be any application of a mesh to a cut out in a display box or casing to hold a toy. Moreover, the mesh screen is foldable and packagable and is clearly for temporary use. There is not the slightest motivation for applying a mesh of the nature shown in Leverance to a vehicle and applying that to a display box for holding a toy. The two fields of technology are remote and it is only with impermissible hindsight that an Examiner can reach to such a remote field and seek to apply it to the technology, which is subject of this application.

It is respectfully submitted that all of the Examiner's objections have been successfully traversed and that the application is now in order for allowance. Accordingly, reconsideration of the application and allowance thereof is courteously solicited.

Respectfully submitted,



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